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<u>October 29, 2002</u> Date	 Gina N. Shishima

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Susan Lindquist

Serial No.: 09/207,649

Filed: December 8, 1998

For: METHODS FOR IDENTIFYING
FACTORS THAT CONTROL THE
FOLDING OF AMYLOID PROTEINS OF
DIVERSE ORIGIN

Group Art Unit: 1647

Examiner: S. Turner

Atty. Dkt. No.: ARCD:278/GNS

**I. REQUEST FOR REINSTATEMENT OF APPEAL
UNDER 37 C.F.R. §1.193(b)(2) AND II. REMARKS**

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

This paper is filed in response to the Office Action mailed on April 29, 2002 in connection with the above-captioned application.

A request for a three-month extension of time to respond is included herewith along with the required fee. This three-month extension will bring the due date to October 29, 2002, which is within the six-month statutory period. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARCD:278US.

A. Request For Reinstatement of Appeal Under 37 C.F.R. § 1.193(b)(2)

On June 19, 2001, the Examiner mailed to Applicant a Final Office Action. On January 24, 2002, Applicant filed its Appeal Brief from the June 19, 2001 Office Action. In response to Applicant's Appeal Brief, the Examiner mailed an Office Action dated April 29, 2002, maintaining the rejections of the Action dated June 19, 2001, and adding new rejections.

Applicant respectfully requests that the appeal be reinstated pursuant to 37 C.F.R. §1.193(b)(2) and provide herewith a Supplemental Appeal Brief.

B. Remarks

The prosecution in this case is not advancing. The most recent Office Action illustrates this in its identification of several additional rejections. For example, a new rejection under 35 U.S.C. § 102(b) in view of Patino *et al.* was made in this Action. This is the same rejection that was previously withdrawn by the Examiner in the Office Action dated June 19, 2001. In the most recent Office Action, the Examiner provides no explanation for the reappearance of this rejection and none is apparent to Applicant. Reintroducing the same rejection that was previously overcome by Applicant does not further the prosecution of the present application. Moreover, the fact that this particular § 102(b) rejection is the same rejection that was previously withdrawn by the Examiner makes the current situation even more egregious.

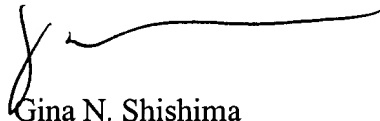
As for the § 112, second paragraph, rejections, the Examiner states that many of the terms used in the pending claims are indefinite. Applicant notes that the first substantive Office Action was issued back in August 4, 1999. Since this date, it has taken over two and a half years and five office actions for the Examiner to present the current indefiniteness rejections to Applicant. Applicant believes that these purported indefiniteness issues could have and should have been

dealt with years ago. The fact that this rejection is just now being presented to Applicant is just one of the several reasons that Applicant is filing the present Request For Reinstatement of Appeal Under 37 C.F.R. § 1.193(b)(2).

C. Conclusion

Applicants respectfully request that their appeal be reinstated pursuant to 37 C.F.R. §1.193(b)(2). Should the examiner have any questions regarding this submission, a telephone call to the undersigned is requested.

Respectfully submitted,



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Date: October 22, 2002



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October 29, 2002

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October 29, 2002 Date	 Gina N. Shishima

Commissioner for Patents
Washington, D.C. 20231

Re: *SN 09/207,649 entitled "METHODS FOR IDENTIFYING FACTORS THAT CONTROL THE FOLDING OF AMYLOID PROTEINS OF DIVERSE ORIGIN" by Lindquist*
Our ref: ARCD:278US/10008013 Client ref: UCHI:702

Commissioner:

Enclosed for filing in the above-referenced patent application are the following:

- (1) Request for Reinstatement of Appeal Under 37 C.F.R. §1.193(b)(2);
- (2) A complementary copy of Applicant's Supplemental Appeal Brief; and
- (3) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARCD:278.

Very truly yours,

Gina N. Shishima
Reg. No. 45,104

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Enclosures

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